

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMEL LEON ROBINSON,

Plaintiff,

v.

Case No. 4:19-cv-10584

District Judge Stephanie Dawkins Davis

Magistrate Judge Anthony P. Patti

HANNA SAAD, *et al.*,

Defendants.

**ORDER STRIKING PLAINTIFF’S FILING (ECF No. 115), AND DENYING
AS MOOT DEFENDANT RICHARD BAISCH’S MOTION TO STRIKE
(ECF No. 119)**

Plaintiff Jamel Leon Robinson, proceeding without the assistance of counsel, filed this action on February 26, 2019 (ECF No. 1), along with an application to proceed *in forma pauperis* (ECF No. 2). Judge Davis referred the case to me for all pretrial matters on March 3, 2020. (ECF No. 36.)

On May 15, 2020,¹ Plaintiff mailed to the Court a “demand for trial by jury,” which appears to be a 15-page verified complaint and jury demand (ECF No. 115, PageID.1488-1502), a 1-page petition for writ of habeas corpus ad testificandum (ECF No. 115, PageID.1503), a 3-page list of proposed voir dire questions (ECF No. 115, PageID.1504-1506), and a 2-page witness list (ECF No. 115,

¹ ECF No. 115 was filed May 15, 2020, but not docketed until July 29, 2020, due to postal issues resulting from the COVID-19 pandemic.

PageID.1506-1507). For the reasons that follow, the Court **STRIKES** from the record Plaintiff's "demand for trial by jury" in its entirety. (ECF No. 115.)

Plaintiff's witness list, proposed voir dire questions, and petition for writ of habeas corpus ad testificandum are all premature, as no scheduling order has been issued in the case and no trial date set. Further, it appears to the Court that Plaintiff cannot amend his complaint as a matter of course pursuant to Fed. R. Civ. P.

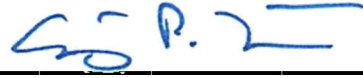
15(a)(1)², so to the extent he intended to do so with this filing, he was required to seek leave of the Court pursuant to Fed. R. Civ. P. 15(a)(2), which he did not do. Thus, ECF No. 115 is **STRICKEN** from the record as an unauthorized pleading, without prejudice to Plaintiff seeking such leave by filing a motion in the form set forth in E.D. Mich. Local Rule 15.1. Further, the Court acknowledges that it has already received multiple jury demands in this case from both sides and has accordingly docketed this case for a jury trial. (ECF No. 1, PageID.1; ECF No. 40; ECF No. 51.) The timing of such requests is governed by Fed. R. Civ. P. 38(b)(1).

As the Court has stricken Plaintiff's filing (ECF No. 115) *sua sponte*, Defendant Richard Baisch's motion to strike the demand on an alternative basis (ECF No. 119) is **DENIED AS MOOT**.

² "A party may amend its pleading once as a matter of course...21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B).

IT IS SO ORDERED.

Dated: February 11, 2021



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE